IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31461 of 2007(U)

PETITIONER:

DR. M.P.CHANDRASEKHARAN NAIR,
CHIEF MEDICAL OFFICER (DMO IN-CHARGE),
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR,
INDIAN SYSTEM OF MEDICINE, THIRUVANANTHAPURAM.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 31461 of 2007

Dated this the 23rd October, 2007

J U D G M E N T

The petitioner is a Senior Medical Officer working under the respondents. His turn for promotion to the post of DMO Indian System of Medicine has arisen. Petitioner submits that there is undue delay in the matter of convening of the Departmental Promotion Committee for effecting regular promotion. Relying on Exhibits P2 Judgment and Exhibit P3 Government Order, the petitioner submits that he is liable to be provisionally promoted to the above post as he is due to retire from service on 31.12.2007. It is also pointed out that he is Rank No.13 in the seniority list, awaiting promotion. At present, there are 11 vacancies in the post of DMO, Indian System of Medicine, it is submitted.

Accordingly, this writ petition is disposed of directing the 1st respondent to consider the claim of the petitioner , as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment. If for any reason, the DPC cannot be convened and the claim of the petitioner for

regular promotion cannot be considered within the aforementioned time frame, his claim shall be considered under Rule 31 of the KS & SSR, within two weeks thereafter, taking note of the fact that he is retiring from service on 31.12.2007.

The writ petition is disposed of as above.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007